

REMARKS

Claims 1, 2, 4-8 and 10-15 are pending. By this Amendment, claims 1, 6, 7 and 12 are amended, and claims 3 and 9 are canceled without prejudice to or disclaimer of, the subject matter contained therein. Reconsideration is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicant's representative by Examiner Le and Primary Examiner Corrielus during the personal interview held June 2 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

The Office Action rejects claims 1-4, 6-10 and 12-15 under 35 U.S.C. §102(e) over Aoi (U.S. Patent No. 6,704,465); and claims 5 and 11 under 35 U.S.C. §103(a) over Aoi and Hatanaka (U.S. Patent No. 6,438,320). Claims 3 and 9 are canceled. Thus, the rejection of these claims is moot. However, the rejections as applied to the remaining claims are respectfully traversed.

In particular, the applied references do not disclose or suggest a file management apparatus for microscopes, including at least an image data acquiring section for acquiring microscope image data to be stored as a file, a structure information setting section enabling a user to arbitrarily set beforehand structure information that defines structure of a file name,

the structure information setting section showing a file name setting screen on a display in response to a user's instruction before shooting, and setting the structure information according to the user's input, as recited in independent claim 1, and similarly recited in independent claims 6, 7 and 12.

Aoi discloses that a file name is preset prior to shipping and a user operating a mode dial 106 before photographing results in a predetermined file name being assigned for a certain image. See col. 9, lines 42-54. However, the mode dial 106 in Aoi does not allow users arbitrarily choose the file names or allow the users change the structure of the file names. Instead, when a user in Aoi selects the panorama mode using the mode dial 106, the predetermined file name will include a first part that changes from "IMG" to "ST". See col. 8, lines 15-55. When the user selects the panorama mode using the mode dial 106, the program in Aoi is fixed so that the file name must start with the letters ST. The users have no other choice but to use a file name that includes the letters ST. Thus, the file structure or name is not arbitrarily selected by the user.

The applied references also do not disclose any subject matter related to microscopes or microscope image data. Thus, the applied references are non-analogous art.

In contrast to the claimed invention, the applied references do not disclose or suggest at least an image data acquiring section for acquiring microscope image data to be stored as a file, a structure information setting section enabling a user to arbitrarily set beforehand structure information that defines structure of a file name, the structure information setting section showing a file name setting screen on a display in response to a user's instruction before shooting, and setting the structure information according to the user's input. On the contrary, nowhere in the applied references are these features disclosed or suggested.

Thus, any combination of the applied references would not have resulted in a device that is used with a microscope and that acquires microscope image data. Moreover, any

combination of the applied references would not have resulted in a user being able to arbitrarily select the structure of the file name before shooting using a file name setting screen on a display. For example, users in the applied references could not freely select files names including the first several letters using a display screen.

Thus, Aoi fails to disclose each and every feature of the claimed invention. Moreover, because Hatanaka fails to compensate for deficiencies in Aoi, it would not have been obvious to combine the applied references to arrive at the claimed invention. Thus, withdrawal of the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 4-8 and 10-15 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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